

JPA File No.: 03-127
A.G. Contract No.: KR03-1764TRN
Amendment No. One
Project No.: HRF-ORV-0-797
Project: Roadway Improvements
Section: La Canada Extension
TRACS No.: HF097 01R / 01D / 02C
Budget Source Item No.: HURF

**AMENDMENT NO. ONE
TO
INTERGOVERNMENTAL AGREEMENT**

BETWEEN
THE STATE OF ARIZONA
AND
TOWN OF ORO VALLEY

THIS AGREEMENT is entered into this date March 17, 2006, **Amendment No. One** to JPA No. 03-127, A.G. Contract No.: KR03-1764TRN, filed with the Secretary of State under No. 26754, pursuant to the Arizona Revised Statutes § 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the TOWN OF ORO VALLEY, acting by and through its TOWN COUNCIL (the "Town").

I. RECITALS

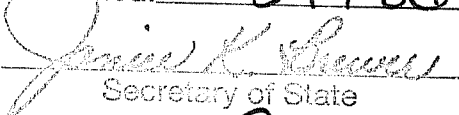

1. The State is empowered by Arizona Revised Statutes § 28-401 and 28-6993(g) to enter into this Agreement and has delegated to the undersigned the authority to execute this Agreement on behalf of the State.

2. The Town is empowered by Arizona Revised Statutes § 9-240 to enter into this Agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this Agreement and has authorized the undersigned to execute this Agreement on behalf of the Town.

Article I, Paragraph 5 is amended in full as follows:

5. The State has approved the exchange of **\$1,524,000.00** in Highway User Revenue Funds (HURF) in Fiscal Year **2006** to the Town for the construction of improvements for La Canada Extension, and such funds will be repaid to the State by withholding from the Pima Association of Governments Federal funds and the obligation authority for Federal funds in the amount of **\$1,579,600.00** in Fiscal Year **2006**.

THEREFORE, in consideration of the mutual Agreements expressed herein, this Agreement is amended as follows:

NO. 26754
Filed with the Secretary of State
Date Filed: 3-17-06

Secretary of State
By: 

II. SCOPE OF WORK

1. The Town shall:

Article II, Paragraph f and g are amended in full as follows:

f. Invoice the State for 30% of the available funds in FY **2006** for the construction cost at the start of construction.

g. Invoice the State for 30% of the available FY **2006** funds for project construction cost, at the 60% stage, and the final 40% of FY **2006** funds at the completion of 100% construction for FY **2006**.

2. The State shall:

Article II, Paragraph c and h are amended in full as follows:

c. Within 30 days after receipt and after award of construction project, advance the Town an amount not to exceed thirty percent in FY **2006** of the construction amount.

h. Withhold from PAG, Federal funds and the Obligation Authority of Federal funds in the amount of \$1,579,600.00 in FY **2006** for construction.

EXCEPT AS AMENDED herein, **ALL OTHER** terms and conditions of the original Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amended Agreement the day and year first above written.

TOWN OF ORO VALLEY

STATE OF ARIZONA

Department of Transportation

By 
PAUL LOOMIS
Mayor

By 
DALE BUSKIRK, Division Director
Transportation Planning Division

ATTEST:

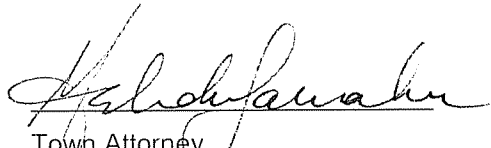
By 
KATHRYN CUVELIER
Clerk

ATTORNEY APPROVAL FORM FOR THE TOWN OF ORO VALLEY

I have reviewed the above referenced Intergovernmental Agreement between the State of Arizona, acting by and through its DEPARTMENT OF TRANSPORTATION, and the TOWN, an Agreement among public agencies which, has been reviewed pursuant to A.R.S. § 11-951 through § 11-954 and declare this Agreement to be in proper form and within the powers and authority granted to the TOWN under the laws of the State of Arizona.

No opinion is expressed as to the authority of the State to enter into this Agreement.

DATED this 24th day of February, 2006.


Town Attorney

RESOLUTION NO. (R) 06- 09

A RESOLUTION OF THE TOWN OF ORO VALLEY TO AMEND AN INTERGOVERNMENTAL AGREEMENT ("IGA") WITH THE STATE OF ARIZONA FOR THE HELP LOAN FOR THE LA CANADA EXTENSION: TANGERINE ROAD TO MOORE ROAD PROJECT NO. OV 30 00/01 08.

WHEREAS, the Town of Oro Valley, pursuant to Arizona Revised Statute §11-951 *et seq.*, is authorized to amend intergovernmental agreements for joint and cooperative action with other public entities; and

WHEREAS, the State of Arizona, Department of Transportation and the Town of Oro Valley wish to amend an Intergovernmental Agreement for the construction of roadway improvements on La Canada Extension: Tangerine Road to Moore Road.; and

WHEREAS, the Town will design, construct and provide maintenance and operational responsibilities for that portion of La Canada Extension: Tangerine Road to Moore Road; and

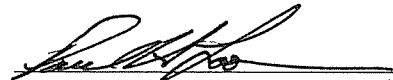
WHEREAS, it is in the best interest of the Town of Oro Valley to amend the Intergovernmental Agreement, attached hereto as Exhibit "A", with the State of Arizona, Department of Transportation and that Mayor and Council of the Town of Oro Valley is authorized to approve such Agreement.

THEREFORE, BE IT RESOLVED, BY THE MAYOR AND THE TOWN COUNCIL OF THE TOWN OF ORO VALLEY, ARIZONA:

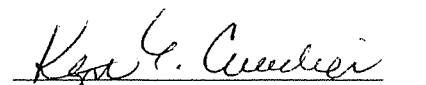
1. That the Mayor and other appropriate administrative officials of the Town of Oro Valley are hereby authorized to take such steps as are necessary to execute and implement the terms of the Intergovernmental Agreement.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Oro Valley, Arizona this 22 day of FEBRUARY 2006.

TOWN OF ORO VALLEY, ARIZONA



Paul H. Loomis, Mayor

ATTEST:


Kathryn E. Cuvelier, Town Clerk

2-24-06
Date

APPROVED AS TO FORM:


Melinda Garrahan, Town Attorney

2/24/06
Date



STATE OF ARIZONA
OFFICE OF THE ATTORNEY GENERAL
CIVIL DIVISION
TRANSPORTATION SECTION
MEMORANDUM

Jeffrey T. Murray
Assistant Attorney General


Direct: 602-542-8859
Fax: 602-542-3646

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR03-1764 (**JPA03-127 Amendment One**)n Agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED March 10th, 2006.


JEFFREY T. MURRAY
Assistant Attorney General

JTM:dgr
Attachment
951085